

Comment on the proposed precedence of NEMONYCHIDAE Bedel, November 1882 (Insecta, Coleoptera) over CIMBERIDIDAE Gozis, March 1882, and the proposed conservation of usage of *Cimberis* Gozis, 1881
(Case 3093; see BZN 60: 275–280; 61: 171)

Alexander Riedel

*Staatliches Museum für Naturkunde Karlsruhe, Erbprinzenstr. 13,
D-76133 Karlsruhe, Germany*

As an entomologist working on the taxonomy and systematics of certain groups of weevils (CURCULIONOIDEA) I noticed with great interest the study on the nomenclature of NEMONYCHIDAE. I was surprised by the complex problems outlined in the paper threatening the present nomenclature of the group. Lyal & Alonso-Zarazaga have thoroughly described the nomenclatural problems.

I support the proposals, especially the conservation of the family name NEMONYCHIDAE over CIMBERIDIDAE. The NEMONYCHIDAE are the most plesiomorphic branch of the weevils, so this family has been treated extensively in the literature and should be conserved.

Comment on the proposed conservation of the specific name of *Macropodus concolor* Ahl, 1937 (Osteichthyes, OSPHRONEMIDAE)
(Case 3255; see BZN 60: 206–207; 61: 114–116, 173–174)

Ingo Schindler

Wartheinstr. 53 A, D-12051 Berlin, Germany

Wolfgang Staeck

Auf dem Grat 41 A, D-14195 Berlin, Germany

The comment by Kottelat et al. (see BZN 61: 114–116) to reject the proposed conservation of the specific name of *Macropodus concolor* Ahl, 1937 contains errors and mistakes disqualifying the authors' argument. Although the black paradise fish, *Macropodus concolor*, was originally described by Schreitmüller in a popular aquarium magazine (1936a, b), the first description satisfying the standards of fish taxonomy was published by Ahl (1937) in a well known and widely distributed zoological journal.

The argument by Kottelat et al. (BZN 61: 114–115) that *M. concolor* Ahl, 1937 is a junior homonym of *M. concolor* Schreitmüller, 1936 is not acceptable, because Schreitmüller (1936b) explicitly disclaims any intention to create a nomen novum (see Article 8.3 of the Code). According to the decisions taken at the Budapest Congress in 1929, after 1931 all works with nomenclatural acts have to be published with the intention and for the purpose of permanent scientific record (Articles 8, 11 and 13).

Even if the view of Kottelat et al. is accepted, *M. concolor* Ahl, 1937 is not automatically an invalid homonym of *M. concolor* Schreitmüller, 1936 because the latter is also a nomen oblitum. According to Article 23.9 of the Code it does not make

any difference if a junior synonym or a junior homonym is threatened by an unused older name, prevailing usage must be maintained.

The first revision of the taxon *M. concolor* Ahl, 1937 was by Paepke (1991, 1994), not Freyhof & Herder (2002). Paepke (1994) treated *M. spechti* Schreitmüller, 1936 as a nomen oblitum (see Paepke, 2003). He rediscovered Schreitmüller's note (1936b) only in 2002 and brought it to our attention in 2003.

The distinction by Kottelat et al. between significant and insignificant cases and between economically important species and fish species kept in aquaria is completely beside the point, highly subjective and against the spirit of the Code (see Article 23.9 and Recommendation 23A). In spite of its moderate size, the black paradise fish, *M. concolor*, is regarded as an edible fish well known to the people in the vicinity of Hue, the old capital of Vietnam.

The paper by Herder & Freyhof (2002), which was published in an aquarium magazine, is by no means inappropriately listed in our bibliography. Why did they send this paper to press before the publication of their revision? Our list of titles using the name *Macropodus concolor* includes only publications widely distributed or relevant to the nomenclature of *M. concolor* Ahl, 1937, but there are dozens of additional titles in which only the name *M. concolor* is used.

If the examples of Freyhof & Herder (2002) and Kullander & Britz (2002) who used forgotten fish names from obscure sources become an accepted thing, the continuity of scientific nomenclature will be threatened. There are many examples of obscure publications using names which would be a threat to well-known fish taxa, particularly in German aquarium magazines published in the first half of the last century.

The aim of our request, which is supported by many specialists who have been concerned with the black paradise fish, is to promote the principle of nomenclatural stability. In contrast, Kottelat et al. (2004) adhered to the Principle of Priority at all costs. We, therefore, would like to strongly defend our proposal to protect the specific name of *Macropodus concolor* Ahl, 1937.

Comment on the proposed conservation of *Viverra maculata* Gray, 1830 (currently *Genetta maculata*; Mammalia, Carnivora)

(Case 3204; see BZN 60: 45–47, 61: 119–122)

C. A. Fernandes

*Biodiversity and Ecological Processes Group, Cardiff School of Biosciences,
Cardiff University, Main Building, Park Place, PO Box 915, Cardiff CF10 3TL
Wales, U.K.*

J. Crawford-Cabral

Rua dos Arneiros, 94, 4° esq.°, 1500–060, Lisboa, Portugal

1. We agree that an application to conserve a junior primary homonym may be submitted to the Commission under Article 23.9.5 of the Code. Since Article 23.9.5 applies only to names in use, we need to ponder what exactly 'in use' means and consider the fact that *Viverra maculata* Gray, 1830 has been used so far by only a